



City of Carlsbad

Office of the City Manager

October 9, 2009

The Honorable James D. Boyd
The Honorable Karen Douglas
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET

07-AFC-6

DATE OCT 09 2009

RECD. OCT 09 2009

**Re: Carlsbad Energy Center Project (07-AFC-6)
City's Status Report #9**

Dear Commissioners:

Pursuant to the Committee Scheduling Order dated December 26, 2008, the City of Carlsbad submits its City Status Report #9 for the Committee's consideration.

California Energy Commission Final Staff Assessment

As highlighted in Status Report #8, the City of Carlsbad anticipates the release of the Carlsbad Energy Center Project (CECP) Final Staff Assessment (FSA) within the next several weeks. The City looks forward to participating in the FSA workshop and the Evidentiary Hearings as this project matriculates through the CEC process. Based on the tremendous public interest in this project, the City requests that the Energy Commission consider schedule limitations due to the upcoming holidays during the months of November/December.

San Diego Air Pollution Control District Appeal

On October 8, 2009, the San Diego Air Pollution Control District (APCD) held a hearing to consider the appeal of the CECP's Final Determination of Compliance (FDOC) by Intervenor Rob Simpson. After several hours of discussion, which was focused on the timeliness of the appeal, the APCD denied Intervenor Simpson's request. Based on the findings of the APCD, they determined that the FDOC is not in fact a final document and may be amended by the APCD during the remaining CEC process as more information comes to light. Additionally, the APCD determined that the appropriate time for appeal to the APCD to consider the validity of the FDOC would be at the point that the CEC grants a license to the CECP. The City appreciates the willingness of the APCD to consider this matter and its clarification on the public process.



Public Involvement

There continues to be significant public interest in the proposed CECP. In September, the Power of Vision in conjunction with the Terramar HOA held a press conference highlighting that there are now nearly 2,500 people who have registered their opposition to the proposed power plant. In addition, the three local Democratic candidates running for the U.S. House of Representatives 50th Congressional District have registered their opposition to the CECP as has the local Sierra Club with over 15,000 members in San Diego County. The City anticipates that there will be extraordinary public attendance and comment during the upcoming workshops and Evidentiary Hearings as this project moves through the review process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joe Garuba', with a long horizontal flourish extending to the right.

Joe Garuba
Municipal Projects Manager

JG:ad

cc: Proof of Service List (Revised 9/15/2009)



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE **CARLSBAD ENERGY
CENTER PROJECT**

**Docket No. 07-AFC-6
PROOF OF SERVICE**
(Revised 9/15/2009)

APPLICANT

David Lloyd
George Piantka, PE.
Carlsbad Energy Center, LLC
1817 Aston Avenue, Suite 104
Carlsbad, CA 92008
david.lloyd@nrenergy.com
george.piantka@nrenergy.com

APPLICANT'S CONSULTANTS

Robert Mason, Project Manager
CH2M Hill, Inc.
6 Hutton Centre Drive, Ste. 700
Santa Ana, CA 92707
Robert.Mason@ch2m.com

Megan Sebra
CH2M Hill, Inc.
2485 Natomas Park Drive, Ste. 600
Sacramento, CA 95833
Megan.Sebra@ch2m.com

COUNSEL FOR APPLICANT

John A. McKinsey
Stoel Rives LLP
980 Ninth Street, Ste. 1900
Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

Terramar Association
Kerry Siekmann & Catherine Miller
5239 El Arbol
Carlsbad, CA 92008
siekmann1@att.net

City of Carlsbad
*South Carlsbad Coastal
Redevelopment Agency
Allan J. Thompson
21 "C" Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

City of Carlsbad
*South Carlsbad Coastal
Redevelopment Agency
Joseph Garuba,
Municipals Project Manager
Ronald R. Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008
E-mail preferred
Joe.Garuba@carlsbadca.gov
rball@ci.carlsbad.ca.gov

California Unions for Reliable Energy
("CURE")
Gloria D. Smith & Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
gsmith@adamsbroadwell.com

Center for Biological Diversity
c/o William B. Rostov
EARTHJUSTICE
426 17th St., 5th Floor
Oakland, CA 94612
wrostov@earthjustice.org

Power of Vision
Julie Baker & Arnold Roe, Ph.D.
P.O. Box 131302
Carlsbad, California 92013
powerofvision@roadrunner.com

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

KAREN DOUGLAS
Chair and Associate Member
kldougla@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

*Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Andrea Dykes, declare that on October 9, 2009, I served and filed copies of the attached document. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/carlsbad/index.html>]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

 X sent electronically to all email addresses on the Proof of Service list;

 by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

 X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.


